

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

GORDON J. COBURN and
STEVEN SCHWARTZ

Criminal No. 19-120 (KM)

**NOTICE OF OMNIBUS MOTIONS
*IN LIMINE***

TO: All Counsel of Record

PLEASE TAKE NOTICE that on a date and time to be set by the Court, and in accordance with the Court's Order dated April 13, 2023, ECF No. 465, defendant Steven Schwartz, by and through his undersigned attorneys, shall move before the Honorable Kevin McNulty, United States District Judge at the United States District Court for the District of New Jersey, Martin Luther King Jr., Federal Building & United States Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for entry of an order granting defendant Steven Schwartz's omnibus motions *in limine* and: (1) excluding evidence regarding Mr. Schwartz's attendance at a Mets game on April 22, 2014; video of Mr. Schwartz at the April 22, 2014 Mets game; and information regarding Mr. Schwartz's eye surgery on April 24, 2014; (2) excluding evidence of answers given by Mr. Schwartz to questions posed by counsel for Cognizant Technology Solutions Corporation ("Cognizant" or the "Company") during interviews held on August 28, 2016 and September 23, 2016 to the extent the questions posed (or answers given) referred to hypothetical scenarios or called for legal conclusions; (3) allowing to be admitted into evidence statements made by Larsen & Toubro Ltd. ("L&T") concerning its investigation into the alleged bribery scheme charged in this case, including formal public statements made to the Indian stock exchange to the effect that its investigation did not find evidence of a bribe payment; and (4) allowing to be admitted into

evidence the Government's admission that neither the defendants, their co-conspirators, nor the Government itself knows key details of the alleged bribe conspiracy in this case.

PLEASE TAKE FURTHER NOTICE that, Mr. Schwartz respectfully joins Mr. Coburn's application to the Court for entry of an order granting his omnibus motions *in limine*, insofar as they seek an order: (a) excluding certain statements of the defendants and certain portions of Cognizant's internal policies concerning the definition of particular legal terms (Coburn motion in limine ("MIL") #1); (b) excluding references to, or evidence about, Cognizant's outsourcing jobs or using less expensive foreign labor (Coburn MIL #2); (c) excluding references to, or evidence about, Mr. Coburn's decisions or views relating to Cognizant's compliance budget (Coburn MIL #3); (d) excluding references to, or evidence about, Mr. Coburn's compensation while employed at Cognizant and his overall net worth (Coburn MIL #4), including with respect to Mr. Schwartz's compensation while employed at Cognizant and his net worth; (e) excluding references to, or evidence about, Mr. Coburn's refusal to sit for a second interview as part of Cognizant's internal investigation and the circumstances of his subsequent resignation (Coburn MIL #5), including with respect to Mr. Schwartz's termination of his second interview and refusal to sit for a third interview, and the circumstances of his subsequent resignation; and (f) admitting exculpatory statements reflected in FBI-302 reports of L&T witnesses whom the Government has had the opportunity to question but are unavailable to testify (Coburn MIL #9).

PLEASE TAKE FURTHER NOTICE that, in support of his omnibus motions *in limine*, defendant Steven Schwartz shall rely on the accompanying Brief of Defendant Steven Schwartz in Support of Omnibus Motions *in Limine* and Declaration of Kyle T. Sieber and Exhibits appended thereto, all filed herewith.

PLEASE TAKE FURTHER NOTICE that a Certificate of Service attesting to the date and manner of service is submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed Order is also submitted herewith.

Dated: August 3, 2023

/s/ Justin D. Lerer

Justin D. Lerer

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